

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION, and  
SOUTHGATE DEVELOPMENT CO.,

Defendants.

CASE NO. C05-5447RJB

ORDER (1) RE-NOTING  
MOTION TO ENTER CONSENT  
DECREE AND (2) ON THE  
AWARD OF RESPONSE COSTS

This matter comes before the Court on the plaintiff's Motion to Enter Consent Decree Between United States and Defendant Southgate Development Co. (Dkt. 185) and the parties' briefing (Dkts. 191, 195, 196) in response to the Court's Opinion (Dkt. 181). Because the apportionment of response costs is implicated both by the proposed consent decree and by the award of damages, both matters will be addressed by this Order. The Court has considered the pleadings filed in support of and in opposition to the motion, the parties' briefing, and the remainder of the file herein.

**I. FACTUAL BACKGROUND**

The Palermo Wellfield Superfund Site ("the Site") is defined by groundwater contaminant plumes in Tumwater, Washington at, and in the vicinity of, the Palermo Wellfield ("PWF") and Palermo neighborhood. The Palermo Wellfield provides drinking water for the City of Tumwater